

## REMARKS

The Office Action dated January 6, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto. Claims 2 and 3 have been allowed.

By this Amendment, claims 1 and 15 have been amended. Support for these amendments can be found on page 16 line 24 to page 17 line 5, and page 19 lines 16-25 of the specification, and the claims, as originally filed. No new matter has been added. Claims 1-25 are pending, and claims 1, 4, 5 and 7-25 are respectfully submitted for consideration.

The Applicants wish to thank the Examiner for allowing claims 2 and 3.

Claims 1, 4, 5, 7-9 and 11-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takigawa et al. (U.S. Patent No. 6,091,695, "Takigawa"). The Applicants respectfully submit that claims 1, 4, 5, 7-9 and 11-25 recite subject matter that is neither disclosed nor suggested by Takigawa. Claims 4, 5, 7-9 and 11-14 depend from claim 1, and claims 16-26 depend from claim 15.

With respect to claims 1 and 15, the Applicants submit that Takigawa fails to disclose or suggest the claimed features of the invention. Claims 1 and 15, as amended, recite that the control means adjusts a quantity of the minute adjustment of the carrier means by the driving means, based on a remaining distance between a current position of the carrier means and the desired position. In contrast, Takigawa merely discloses a DC motor 37 normally started to slide the cam plates 43 and 45, thereby moving the pickup unit P upward toward the target position. If the cam plates 43 and 45 reach target positions, the moving target position set to the play position, the

DC motor 37 is slowly started upward at  $\frac{1}{4}$  duty factor. As such, Takigawa only discloses a change, specifically a deceleration, in speed. There is no disclosure or suggestion of a quantity of minute adjustment. Specifically, the quantity of the pickup movement P in Takigawa is constant. There is no disclosure or suggestion in Takigawa that a control means adjusts the quantity of minute adjustments of the carrier means by the driving means, based on a remaining distance between a current position of the carrier means and the desired position. Accordingly, Takigawa fails to disclose or suggest each and every feature of the claimed invention as recited in claims 1 and 15.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). As such, the Applicants respectfully submit that the reference fails to disclose the control means adjusts a quantity of the minute adjustment of the carrier means by the driving means, based on a remaining distance between a current position of the carrier means and the desired position, as recited in claims 1 and 15. Therefore, Takigawa does not disclose every element of claims 1 and 15 as arranged in the claim. Accordingly, Takigawa does not anticipate

claims 1, 4, 5, 7-9 and 11-25, nor are claims 1, 4, 5, 7-9 and 11-15, obvious in view of Takigawa.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takigawa in view of Takahashi et al. (U.S. Patent No. 4,594,700, "Takahashi"). Claim 10 depends from claim 1. The Applicants submit that claim 10 recites subject matter that is neither disclosed nor suggested by the combination of Takigawa and Takahashi.

As discussed above, Takigawa fails to disclose or suggest the features of the invention as recited in claim 1. Takahashi fails to cure the deficiencies in Takigawa with respect to claim 1 as Takahashi does not disclose or suggest a control means that adjusts a quantity of the minute adjustment of the carrier means by the driving means, based on a remaining distance between a current position of the carrier means and the desired position. Accordingly, the combination of Takahashi and Takigawa does not disclose or suggest each and every feature of claim 1. As claim 1 is allowable, the Applicants submit that claim 10, is likewise allowable.

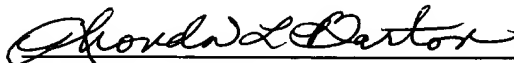
For all of the above reasons, it is respectfully submitted that claims 1, 4, 5 and 7-25 patentably distinguish the present invention from the cited references. Accordingly, the Applicants respectfully request allowance of claims 1, 4, 5 and 7-25, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an

extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing attorney docket number 107156-09070.**

Respectfully submitted,



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Enclosure: Petition for Extension of Time (one month)

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